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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,150	04/08/2004	Henry J. Camin	67415-5019US	1183
	7590 03/07/2007 WIS & BOCKIUS, LLP	EXAMINER		
ONE MARKET SPEAR STREET TOWER SAN FRANCISCO, CA 94105			BARRY, CHESTER T	
SAN FRANCIS	SCO, CA 94103		ART UNIT	PAPER NUMBER
			1724	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
31 D	AYS	03/07/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)				
Chester T. Barry 1724 -The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEYER IS LINGER, FROM THE MAILING DATE OF THIS COMMUNICATION - Lottersons of lines may be available under the provisions of 37 CPR 1.13(a). In no event, however, may a unity set line with the correspondence of the communication of 10 CPR 1.13(a). In no event, those are 51 (b) (MONTHS from the mailing date of this communication. If NO period for reply is specified show, the neutron stations period will apply and will supply SN (D) (MONTHS from the mailing date of this communication. If NO period for reply is specified show, the neutron stations period will apply and will supply SN (D) (MONTHS from the mailing date of this communication. If NO period for reply is specified show, the neutron station period will apply and will supply SN (D) (MONTHS from the mailing date of this communication. If NO period for reply is specified show, the neutron station period will apply and will supply SN (MONTHS from the mailing date of this communication. If NO period for the source of the sour		10/822,150	CAMIN ET AL.				
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1) Responsive to communication(s) filed on <i>Q8 April 2004</i> . 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) <i>1-20</i> (s/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. Attachment(s) 1) Notice of Independent of References Cited (PTO-892) 2) Notice of Disfaperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SI08) 7) Paper Not(s)/Mail Date Paper Not(s)/Mail Date Signer and Talent Application Forbers	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
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3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application 6) Other:							
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	U.S. Patent and Trademark Office PTOL-326 (Rev. 08-06) Office Ac	tion Summary Par	rt of Paper No./Mail Date 20070302				

Application/Control Number: 10/822,150

Art Unit: 1724

Restriction to one of the following inventions is required under 35 U.S.C. 121:

1. Claims 1-10, drawn to a method, classified in class 210, subclass 702+.

II. Claims 11-20, drawn to a potato product, classified in class 426, subclass52.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make another and materially different product.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to David Brezner on 3/2/07 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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The election of an invention or species may be made with or without traverse. To

reserve a right to petition, the election must be made with traverse. If the reply does not

distinctly and specifically point out supposed errors in the restriction requirement, the

election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not

patentably distinct, applicant should submit evidence or identify such evidence now of

record showing the inventions or species to be obvious variants or clearly admit on the

record that this is the case. In either instance, if the examiner finds one of the inventions

unpatentable over the prior art, the evidence or admission may be used in a rejection

under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected

invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by

a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

CHESTERT. BARRY PRIMARY EXAMINER

571-272-1152

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